

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
DIVISION OF SHREVEPORT**

**TOLA MAE JAMES, JOHNETTA, § CIVIL ACTION NO. 5:21-cv-02407
COLEMAN, AND ANGELA JACKSON,
INDIVIDUALLY AND ON BEHALF OF
THE ESTATE OF REV. JOHN HENRY
JAMES**

**V. § CHIEF JUDGE S. MAURICE HICKS,
JR.**

**PMG OPCO-WASHINGTON, LLC
D/BA BOOKER T. WASHINGTON § MAGISTRATE JUDGE MARK L.
SKILLED NURSING & HORNSBY
REHABILITATION AND KOURTNEY
BROWNLEE**

**DEFENDANTS' MOTION TO DISMISS OR,
ALTERNATIVELY, MOTION TO TRANSFER**

Pursuant to F.R.C.P. Rules 12(b)(1), (3), and (6) or, in the alternative, Motion to Transfer Venue pursuant to 28 U.S.C. §1631 for want of jurisdiction and §1406(a) for cure of venue, Defendants PMG OPCO-WASHINGTON, LLC d/b/a BOOKER T. WASHINGTON SKILLED NURSING & REHABILITATION and KOURTNEY BROWNLEE file this Motion to Dismiss or, Alternatively, Motion to Transfer. For the reasons more fully set forth in the accompanying memorandum in support, Defendants respectfully request that the Court dismiss all of Plaintiffs' claims in their entirety against all Defendants under the Public Readiness and Emergency Preparedness Act, 42 U.S.C. §§ 247-6d and 247d-6e (2006) (the "PREP Act") and the Louisiana Health Emergency Powers Act (the "LHEPA").

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request that the Court dismiss all Plaintiffs' claims in their entirety against all Defendants. In the alternative,

Defendants request that the Court enforce transfer Plaintiffs' claim to the United States District Court for the District of Columbia.

Respectfully submitted,

LUNN IRION LAW FIRM, LLC

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**ATTORNEYS FOR PMG OPCO-WASHINGTON,
LLC D/B/A BOOKER T. WASHINGTON SKILLED
NURSING & REHABILITATION CENTER, AND
KOURTNEY BROWNLEE**

CERTIFICATE OF SERVICE

I certify that on August 16, 2021, a copy of the foregoing was filed with the Clerk of Court by using the CM/ECF system which will send notice of electronic filing to all counsel of record.

/s/ Ronald E. Raney